

CHAPTER 5 VENDORS AND SOLICITORS

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500 SOLICITING: GENERAL PROVISIONS

- 500.1 No person shall engage in obstructing the passage in or upon any street, highway, sidewalk, or footway in the District of Columbia by catching hold of, or soliciting any person or persons, or in any way interfering with the free passage of any person along any street, highway, sidewalk, or footway for the purpose of inducing or compelling that person to do any of the following:
- (a) Buy any article or thing from any store or stand;
 - (b) Patronize any hotel, inn, or boarding house; or
 - (c) Patronize any place of entertainment or amusement.

- 500.2 No person shall accost, solicit, or personally approach any other person within or on the grounds of any railroad or bus station or depot, or on public space in the District of Columbia, for the purpose of securing a passenger or passengers for transportation for hire.
- 500.3 No person shall, on any public highway in the District of Columbia, solicit employment to guard, watch, wash, clean, repair, or paint, any automobile or other vehicle, except as provided in Title 18, DCMR.
- 500.4 No person shall remain in front of or enter any store where goods are sold at retail for the purpose of enticing away or in any manner interfering with any person or persons who may be in front of or who may have entered the store for the purpose of buying.
- 500.5 No person shall sell or offer to sell tickets from the sidewalks, streets, or public spaces anywhere in the District of Columbia for any excursion, theatrical performance, opera, ball game, or any entertainment of any kind.
- 500.6 No person shall beg or solicit alms for any purpose on any public highway or in any public place in the District of Columbia.
- 500.7 Beggars, going from house to house or office to office, shall not practice their vocation in the District of Columbia without a permit from the Mayor of the District, founded upon a report from the Chief of Police as to the good repute and integrity of the person applying for the permit.

AUTHORITY: Unless otherwise noted, the authority for this chapter is §7 of An Act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes, 32 Stat. 627, ch. 1352, §7, par. 36, approved July 1, 1902, as amended by An Act approved July 1, 1932, 47 Stat. 557, ch. 366; Reorganization Plan No. 3 of 1967, §402 (386), D.C. Code Title 1, Appendix at 160 (1973); §412 of the District of Columbia Self-Government and Governmental Reorganization Act, as amended, 87 Stat. 790, Pub.L. No. 93-198, D.C. Code §1-227(a); §18 of A Regulation Governing Vending Businesses in Public Space, Regulation No. 74-39, 21 DCR 1285 (December 23, 1974), as amended by §2(k) of the Vendors Regulations Amendments Act of 1978, D.C. Law 2-82, 24 DCR 9293 (March 5, 1978); and Paragraph II of Reorganization Plan No. 1 of 1986, effective September 7, 1987, pursuant to Paragraph 1 of Mayor's Order 87-202, 32 DCR 6205 (September 25, 1987).

SOURCE: Article 4, §§13-15, 17 of the Police Regulations for the District of Columbia, 54 Board of Commissioners' Minutes 1304(a), 1304(d), effective October 17, 1933.

HISTORICAL NOTE: Paragraph 1(a) of Mayor's Order 82-186, effective October 25, 1982, vested the regulatory authority of the Mayor in the Director of the Office of Business and Economic Development. That provision was repealed with the effectiveness of Reorganization Plan No. 1 of 1986 by virtue of paragraph 3 of Mayor's Order 87-202.

EDITOR'S NOTE: In accordance with Reorganization Plan No. 1 of 1986, references to "Executive Director, Office of Business and Economic Development" in this chapter shall mean the "Director, Department of Consumer and Regulatory Affairs."

501 VENDING BUSINESSES: GENERAL PROVISIONS

- 501.1 The Mayor shall be authorized, after a hearing, to determine the following:
- (a) Areas upon the highways and in the public spaces of the District of Columbia in which vending may take place;
 - (b) The types of vending that may take place in these areas;

- (c) Exceptions to the hours of operation and storage of vending stands and vehicles as enumerated in §511 of this chapter; and
 - (d) The standards that shall be followed by vendors with respect to vending in these areas.
- 501.2 The areas for vending determined under §501.1, and all additions to and deletions from the lists of these areas set forth in §§510, 515, and 516 of this chapter, shall be published in the *D.C. Register*.
- 501.3 The Mayor shall designate roadway sites and develop standards governing the use of roadway sites.
- 501.4 The Mayor shall determine the minimum distances that shall exist between sidewalk vending businesses.
- 501.5 No vending license issued by the Mayor shall authorize the licensee to vend within geographical areas under the jurisdiction of the United States Park Police, the Capitol Police, or any other agency of the United States government.
- 501.6 Every licensee authorized to vend under the provisions of this chapter shall ascertain, and at all times comply with, all laws and provisions of this chapter applicable to the operation of a vending business.
- 501.7 Every licensee shall refrain from engaging in vending business after the expiration of his or her license and during any period when the licensee's license has been suspended or revoked.
- 501.8 Every licensee shall surrender his or her license promptly to the Mayor upon revocation or suspension.
- 501.9 If a person is convicted of violating any of the provisions of this chapter, he or she shall be punished by a fine of not more than three hundred dollars (\$300), or by imprisonment for not more than ninety (90) days, for each such offense.
- 501.10 If any provision (section, sentence, clause, phrase, or word) of this chapter, or the application of any provision of this chapter, is held invalid in any circumstance(s), the validity of the remainder of the provisions of this chapter, and the application of any provision in any other circumstance(s), shall not be affected; and to this end, the provisions of this chapter shall be severable.
- 501.11 A Vending Coordinator (not a police officer) shall be appointed by the Executive Director, Office of Business and Economic Development, to monitor the vending program and policies. The Vending Coordinator shall be available to answer questions from citizens, vendors, and other business persons.
- 501.12 The Metropolitan Police Department shall have primary responsibility for the enforcement of vending regulations, pursuant to Mayor's Order 82-186.
- 501.13 [Repealed] 41 DCR 7787 (December 2, 1994).

- 501.14 Civil fines, penalties, and fees may be imposed as alternative sanctions of this act, or any rules and regulations issued under the authority of this act, pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this act shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985.

SOURCE: Regulation No. 74-39, 21 DCR 1285 (December 23, 1974), as amended by §2 of the Vendors Regulation Amendments Act of 1978, D.C. Laws 2-82, 24 DCR 9293 (May 5, 1978); by Final Rulemaking published at 31 DCR 4935 (October 5, 1984); by §40 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 Technical and Clarifying Amendments Act of 1990, D.C. Law 8-237, 38 DCR 314, 329 (January 11, 1991); and by Final Rulemaking published at 41 DCR 7787 (December 2, 1994).

502 VENDING BUSINESS LICENSES

- 502.1 Only vendors in good standing, those who have paid all assessed and outstanding violations, penalties, taxes, fines and rents are qualified for licensure.

- 502.2 No person shall vend any article, merchandise, or food from public space in the District of Columbia without first having obtained from the Mayor a license to do so, except as provided by §502.3.

- 502.3 No license shall be required for the following:

- (a) Persons selling newspapers at-large other than from a fixed location on public space or on the public streets;
- (b) Persons selling food produce of their own raising at any public marketplace; and
- (c) Any person under eighteen (18) years of age, if the person is the holder of a valid work permit or street trade badge issued by the District of Columbia Board of Education.

- 502.4 The class of vending business licenses shall be as follows:

- (a) **CLASS A LICENSES** - that authorize persons to vend food from public space, but not from door to door.
- (b) **CLASS A TEMPORARY LICENSES** - that authorize persons to vend food from public space, but not from door to door, for a period of not more than five (5) consecutive days;
- (c) **CLASS B LICENSES** - that authorize persons to vend merchandise other than food from public space, but not from door to door;
- (d) **CLASS B TEMPORARY LICENSES** - that authorize persons to vend merchandise other than food from public space, but not from door to door, for a period of not more than five (5) consecutive days;
- (e) **CLASS C NONFOOD LICENSES** - that authorize persons to vend merchandise other than food from door to door; and

- (f) **CLASS C FOOD LICENSES** - that authorize persons to vend food from door to door.

- 502.5 The licensing agency shall indicate on every license issued pursuant to this chapter the class of the license and the zone the license is permitted to operate in.
- 502.6 A Class B, Class B Temporary, or Class C Nonfood licenses shall not be valid for the vending of food.
- 502.7 Each applicant for a Class A, Class A Temporary, or Class C food license shall submit proof that he or she has passed the inspection requirements set forth in §504.
- 502.8 A person shall apply for and receive any class of license if the conditions and inspection requirements for each license applied for have been fulfilled.
- 502.9 No person shall vend in the District of Columbia, except in conformity with the privileges granted for the particular class of license issued to him or her.
- 502.10 Except for temporary licenses as provided for under §502.4, all vending licenses issued pursuant to this chapter shall be valid for one (1) year, unless suspended or revoked.
- 502.11 No vendor shall operate in a zone that is not designated on his or her license. Vending locations in a zone shall be secured by vendors on a first-come basis.
- 502.12 Any person selling from vending equipment shall be at least eighteen (18) years of age or a vendor under eighteen (18) years of age shall sell from vending equipment pursuant to §502.3(c) and be accompanied by an adult licensed vendor responsible for his or her employment.

SOURCE: Regulation No. 74-39, 21 DCR 1285 (December 23, 1974), as amended by §502 of the District of Columbia Revenue Act of 1984, D.C. Law 5-113, 31 DCR 3974, 3981 (August 10, 1984); by Final Rulemaking published at 31 DCR 4935 (October 5, 1984); by Final Rulemaking published at 32 DCR 5746 (October 11, 1985); and by Final Rulemaking published at 32 DCR 7586 (December 27, 1985).

503 APPLICATION FOR VENDING BUSINESS LICENSE

- 503.1 Persons seeking issuance of a vendor's license shall file an application with the Mayor and pay the license fee prescribed.
- 503.2 The application for a vendor's license shall set forth the following information:
- (a) The name and address of the applicant, and the name and address of the owner (if other than the applicant) of the vending business;
 - (b) The class of license applied for;
 - (c) A description of the type of article, merchandise, or food to be offered for sale;

- (d) A description of the vending vehicle, cart, stand, or other equipment to be used; and
 - (e) The zone in which he or she is applying to vend.
- 503.3 Each application shall be accompanied by three (3) prints of a full-face photograph taken within not more than three (3) months prior to the date of the application. The prints shall be one inch by one and one-half inches (1 in. x 1½ in.) in size.
- 503.4 The applicant shall show proof that he or she has complied with §146 of the District of Columbia Revenue Act of 1949, approved May 27, 1949 (63 Stat. 122; D.C. Code §47-2026 (1981)), by obtaining from the District of Columbia Department of Finance and Revenue a certificate of registration designating the applicant's sales and use tax number.
- 503.5 No certificate of registration shall be issued until the applicant has filed with the Mayor a bond in an amount not exceeding double the amount of the applicant's estimated annual sales and use tax liability for a period not exceeding one (1) year, with a surety approved by the Mayor, conditioned upon the payment of the tax due from the applicant for any period covered by any return required to be filed under the sales and use tax laws of the District.
- 503.6 The prepayment of estimated sales tax levied on a new vendor who is a resident or non-resident of the District of Columbia shall not exceed five hundred dollars (\$500).
- 503.7 The name and address of a registered agent upon whom service of process and other legal processes may be delivered in the District (if the applicant is not a resident of the District of Columbia). If the applicant does not have a registered agent in the District of Columbia, the Mayor may accept service of process, as well as other legal documents directed to the applicant.
- 503.8 Each vendor shall receive interest on cash prepaid bonds at a rate of six percent (6%) annum.
- 503.9 Each applicant shall meet the following requirements:
 - (a) If the applicant is a non-resident of the District of Columbia, the applicant shall provide the name and address of a registered agent upon whom service of process and other legal notices may be delivered;
 - (b) If there is no registered agent, then the Mayor may accept service of process as well as other legal notices directed to the applicant; and
 - (c) If the applicant has not filed with the Mayor a bond according to §524 of this chapter, he or she shall not be issued a certificate of registration.
- 503.10 Each applicant for a Class A, Class A temporary, or Class C food license, shall furnish to the Mayor, on a prescribed form, any additional information required by the Mayor, as well as that required under §§503.4 and 503.7.

SOURCE: Regulation No. 74-39, 21 DCR 1285 (December 23, 1974); as amended by §502 of the District of Columbia Revenue Act of 1984, 5-113, 31 DCR 3974, 3981 (August 10, 1984); by §2 of the Vendors Regulation Amendment Act of 1988, 7-121, 35 DCR 2674 (April 15, 1988) and 35 DCR 2874 (April 22, 1988); by Final Rulemaking published at 32 DCR 1347 (March 8, 1985); by Final Rulemaking published at 32 DCR 5746 (October 11, 1985); by Final Rulemaking published at 35 DCR 7586 (December 27, 1985); and by §116 of the Omnibus Budget Support Act of 1993, D.C. Law 10-25, 40 DCR 5489, 5498 (July 30, 1993).

504 INSPECTION OF FOOD VENDING BUSINESSES

- 504.1 Prior to being put in operation, the equipment used in vending food products shall first be inspected by and receive a certificate from the Mayor.
- 504.2 Each certificate shall indicate compliance with the provisions of this chapter, and all other applicable regulations in full force and effect in the District of Columbia.
- 504.3 Each food vending business shall be inspected at least two (2) times a year.
- 504.4 When a food vending operation conforms to the requirements of this chapter, the owner of the operation shall be issued a certificate of inspection that shall expire at the time of the next inspection.

SOURCE: Regulation No. 74-39, 21 DCR 1285 (December 23, 1974); as amended by §2 of the Vendors Regulation Amendments Act of 1978, D.C. Law 2-82, 24 DCR 9293 (May 5, 1978).

505 ISSUANCE OF VENDING LICENSES

- 505.1 Not later than forty-five (45) days after filing a completed application for a vending business license, the applicant shall be notified by the Mayor of the Mayor's decision on the issuance or denial of the license.
- 505.2 If the application is approved, the Mayor shall issue a certificate of authority to the applicant.
- 505.3 If the application is not approved for cause, the Mayor shall follow the procedures set forth in §509 of this chapter. If the application is not approved because of the limit specified in §505.4, then the Mayor shall notify the applicant that the applicant's name has been placed on a waiting list which shall be maintained by the licensing agency.
- 505.4 The number of sidewalk vendors licensed by the District shall be no more than one hundred percent (100%) above the number offending sites within designated vending zones.
- 505.5 The licensing agency shall issue licenses on a first come, first serve basis and within the following guidelines:
 - (a) District residents or businesses who currently hold vending licenses shall be given first priority;
 - (b) All other persons or businesses who have previously held vending licenses shall be given second priority; and

- (c) All other persons or businesses who are new applicants shall be given third priority.

505.6 The licensing agency shall establish and maintain a list of vendors who have applied for a license in a particular zone that has reached its maximum limit on the number of licenses issued.

505.7 Licenses, as they become available, shall be issued according to the date and time an application was submitted and within the priority ranking established in §505.5.

505.8 The licensing agency shall notify the applicants on the vending list by registered mail as licenses become available.

505.9 Each applicant, notified from the vending list, shall pay for his or her license within ten (10) days of receipt of the notice.

SOURCE: Section 2 of the Vendors Regulation Amendments Act of 1978, D.C. Law 2-82, 24 DCR 9293 (May 5, 1978); as amended by Final Rulemaking published at 32 DCR 1347 (March 8, 1985).

EDITOR'S NOTE: As a result of D.C. Law 2-82, 24 DCR 9293 (May 5, 1978), §10 of Regulation No. 74-39, 21 DCR 1285 (December 23, 1974) was repealed and the regulation was renumbered.

506 RENEWAL OF LICENSES

506.1 Each license shall be valid for the entire licensing period, unless revoked or suspended before expiration.

506.2 Application to renew a license shall be made with the proper renewal not later than forty-five (45) days before the current license expires.

506.3 No application to renew a license shall be approved if the applicant has not been issued a certificate of good standing by the Department of Finance and Revenue.

506.4 If a renewal of a license is approved, the Mayor shall furnish the applicant with a certificate of authority on or before the day the current license expires.

506.5 If the license renewal application is not approved, the Mayor shall follow the procedures set forth in §509.

SOURCE: Section 116 of the Omnibus Budget Support Act of 1993, D.C. Law 10-25, 40 DCR 5489, 5498 (July 30, 1993).

507 DISPLAY OF CERTIFICATES OF AUTHORITY

507.1 All certificates of authority to vend shall be properly and conspicuously displayed at all times during the operation of the vending business.

507.2 Each certificate shall be attached to the outer garment of the vendor above the waist and made clearly visible to the public.

- 507.3 A certificate of health inspection shall be considered to be properly displayed when it is firmly attached to the vending vehicle or stand and made clearly visible to the public.
- 507.4 Each licensee or holder of a certificate of authority issued pursuant to this chapter shall exhibit the license or certificate for examination upon demand by any authorized representative of the District of Columbia government.
- 507.5 No person shall fraudulently alter, mutilate, forge, or illegally display any certificate of authority issued pursuant to this chapter.
- 507.6 All roadway vehicles shall be required to have a D.C. Inspection Certificate and a D.C. Registration.

SOURCE: Regulation No. 74-39, 21 DCR 1285 (December 23, 1974); as amended by §2 of the Vendors Regulation Amendments Act of 1978, D.C. Law 2-82, 24 DCR 9293 (May 5, 1978); and by Final Rulemaking published at 31 DCR 4935 (October 5, 1984).

508 BOOKKEEPING REQUIREMENTS

- 508.1 Each vendor shall keep sufficient records of daily sales and receipts of purchases and expenses, and shall make these records available for inspection to any duly authorized representative of the District of Columbia government.
- 508.2 A vendor shall carry for each day the records and the receipts of sales and purchases for the day.
- 508.3 Failure to comply with this section shall result in immediate seizure, without notice, of the vendor's license.
- 508.4 A license seized pursuant to this section shall be returned by the Mayor when the vendor submits the records and the receipts required by this section.

SOURCE: Section 502 of the District of Columbia Revenue Act of 1984, D.C. Law 5-113, 31 DCR 3974, 3981 (August 10, 1984); as amended by 32 DCR 5746, 5747 (October 11, 1985).

509 DENIAL, SUSPENSION, AND REVOCATION OF LICENSES

- 509.1 Any license issued pursuant to this chapter may be suspended or revoked by the Mayor, after notice, for any of the following causes:
- (a) Fraud, misrepresentation, or false statements contained in the application for the license;
 - (b) Fraud, misrepresentation, or false statements made in connection with the selling of any article, merchandise, or food;
 - (c) Violation of the provisions of this chapter, or the violation of the provisions of other regulations applicable to holders of Class A licenses and Class A temporary licenses;

- (d) Conduct of the business licensed under the provisions of this chapter in an unlawful manner, or in a way that constitutes a menace to the health or safety of the public; or
- (e) Failure of the applicant to comply with the provisions of the District of Columbia tax laws and regulations.

509.2 Any licensee whose license is revoked under the provisions of this section shall not reapply for licensure until after the expiration of one (1) year from the date of the revocation.

509.3 If an application for a vendor's license or a renewal is denied, or a license is suspended or revoked by the Mayor, the applicant or licensee shall be entitled to a hearing regarding the denial, suspension, or revocation before the D.C. Board of Appeals and Review.

509.4 Notice of the denial or suspension or revocation shall be given in writing, setting forth specifically the grounds therefor and the time and place of the hearing.

509.5 The notice shall be mailed by certified mail at least ten (10) days prior to the date set for the hearing.

SOURCE: Regulation No. 74-39, 21 DCR 1285 (December 23, 1974); as amended by §502 of the District of Columbia Revenue Act of 1984, D.C. Law 5-113, 31 DCR 3974, 3981 (August 10, 1984).

510 VENDING STANDS: GENERAL RESTRICTIONS

510.1 No sidewalk vending business shall be transacted or located on the median strip of a divided roadway, unless the strip is intended for use as a pedestrian mall or plaza.

510.2 No vending stands shall be located against display windows of fixed location businesses, nor shall vending stands be closer than five feet (5 ft.) from any entranceway.

510.3 Unless a street in the central vending zone is specifically exempted by this chapter, sidewalk vending shall be prohibited on sidewalks narrower than eighteen feet (18 ft.) and unless a twelve feet (12 ft.) clear minimum passageway is maintained.

510.4 The District shall consider requests from vendors for waiving the requirements under §510.3 on streets where it can be shown that a reduction in clearance will not have adverse impact on, among other things, pedestrian circulation and public safety.

510.5 In neighborhood commercial zones, sidewalk vending shall be exempt from the eighteen foot (18 ft.) requirement, but each neighborhood commercial vending site shall maintain a seven foot (7 ft.) clear passageway.

510.6 The passageway required by §510.3 shall be measured from the closest projection of the vending stand or its related part to the nearest building, its projection or

the private property line or the closest interruption of the public space by a public amenity or fixture. Any criteria for reducing the twelve feet (12 ft.) minimum passageway rule shall include public safety and movement considerations.

- 510.7 No sidewalk vending business shall be located or transacted within the length of Metrobus Stop Zones.
- 510.8 No sidewalk vending business shall be located or transacted within five feet (5 ft.) of the approach side of a crosswalk at any intersection.
- 510.9 No sidewalk vending business shall be located or transacted within twenty feet (20 ft.) of the driveway entrance to a police or fire station, or within ten feet (10 ft.) of any other driveway or alley.
- 510.10 In areas outside of the central vending zone, no vendor shall vend from a sidewalk within residential zones, (as specified by DCMR 11, Zoning Regulations), or adjacent to any building used primarily as a residence, except as specifically provided in §§515.22 through 515.26.
- 510.11 No vendor shall vend from a sidewalk within residential zones, (as specified by D.C. Zoning Regulations), or adjacent to any building used primarily as a residence, except as specifically provided in §§515.22 through 515.26.
- 510.12 No vehicle shall be placed upon any sidewalk; except bicycles when operated in conformance with the laws of the District of Columbia, and pushcarts of a size permitted on sidewalks under the provisions of this chapter.
- 510.13 No vending vehicle, stand, or any other item related to the operation of a vending business shall be leaned against, hung from or stand within two feet (2 ft.) of any building or any structure; including, but not limited to, structures such as lamp posts, parking meters, mail boxes, traffic signal stanchions, trees, tree boxes, benches, bus shelters, or traffic barriers that lawfully occupy public space. Vending equipment or operations are prohibited within five feet (5 ft.) of fire hydrants.
- 510.14 All items related to the operation of a vending business shall be kept either on, in, or under a vending cart or stand.
- 510.15 No items related to the operation of a vending business shall be stored or placed upon any public space adjacent to the vending cart or stand.
- 510.16 All sidewalk vending equipment shall be parallel to the curb within two feet (2 ft.) of the curb face.
- 510.17 No sidewalk vending business shall be located or transacted within three hundred feet (300 ft.) of places of worship.
- 510.18 A minimum of ten feet (10 ft.) shall separate vendors and vending operations one from another unless otherwise specified by the Director, Department of Consumer and Regulatory Affairs.

- 510.19 No sidewalk vending business shall operate a loud speaker, or sound amplifier, or play a radio, drum, or other musical instruments as a means of advertising or attracting a crowd, nor cry or hawk any article or goods to attract a crowd on the public streets, alleys, or thoroughfares in any commercial or residential area in the District of Columbia in such a manner as to create a noise disturbance as that term is defined in 20 DCMR §3099. Activities open to the public and provided for in 20 DCMR §3105.2 are exempt from the limitations set forth in this section.
- 510.20 No vendor shall vend nor shall there be any vending operations within twenty feet (20 ft.) of any Metrorail Parapet.
- 510.21 No vendor shall vend nor shall there be any vending operation on or within marked loading and entrance zones.
- 510.22 No vendor shall vend upon nor shall there be any vending equipment or related items standing over or impeding free access to service and ventilation grates and covers.
- 510.23 No vending business shall be located or transacted within the same square block of the grounds of any courthouse in the District of Columbia.

SOURCE: Regulation No. 74-39, 21 DCR 1285 (December 23, 1974); as amended by Final Rulemaking published at 31 DCR 4935 (October 5, 1984); by Final Rulemaking published at 32 DCR 134 (March 8, 1985); by Final Rulemaking published at 32 DCR 5746 (October 11, 1985); by Final Rulemaking published at 32 DCR 7586 (December 27, 1985); by §3 of the District of Columbia Noise Control Act of 1977 Amendment Act of 1986, D.C. Law 6-180, 33 DCR 7660 (December 12, 1986); and by Final Rulemaking published at 34 DCR 2021 (March 27, 1987).

511 AUTHORIZED HOURS FOR VENDING BUSINESS OPERATIONS

- 511.1 Sidewalk and roadway vendors shall operate on designated public space only: Sunday through Thursday 5:00 a.m. to 10:00 p.m. and Friday and Saturday from 5:00 a.m. to 1:00 a.m. the next day. No storage of equipment or merchandise shall be allowed beyond the hours of operation and unless the vendor is conducting vending business.
- 511.2 Vendors operating in residential zones, as specified in the D.C. Zoning Regulations, shall not vend past 10:00 p.m. any night.
- 511.3 Vending is permitted until 1:00 a.m. Sunday through Thursday in the immediate vicinity of special events which are officially designated by the Director, Consumer and Regulatory Affairs.
- 511.4 [Deleted] 31 DCR 4935, 4937 (October 5, 1994).

SOURCE: Final Rulemaking published at 32 DCR 3178 (June 7, 1985); as amended by Final Rulemaking published at 31 DCR 4935, 4937 (October 5, 1994).

512 REQUIREMENTS FOR VENDING VEHICLES AND STANDS

- 512.1 The District Government Office of Planning, unless otherwise designated by the Executive Director, Office of Business and Economic Development, shall formulate design standards for vending stands, carts, and vehicles.
- 512.2 Failure to comply with design standards for roadway vehicles, sidewalk stands and carts, whether food or non-food, shall be cause for denial, suspension or revocation of a vending license.
- 512.3 No sidewalk vending cart or stand shall exceed the following dimensions:
- (a) Wider than four feet by six inches (4 ft. x 6 in.);
 - (b) Longer than seven feet (7 ft.); and
 - (c) Higher than seven feet by six inches (7 ft. x 6 in.).
- 512.4 No sidewalk stand or cart shall have an umbrella exceeding nine feet (9 ft.) in diameter.
- 512.5 Ice cream cart, Model 300 and 350 (trailer or bicycle) and hot dog cart, Model 525 and similar models approved by the Department of Consumer and Regulatory Affairs which fall within the dimensions cited in §§512.3 and 512.4, are allowable.
- 512.6 No roadway vending vehicle, display, stand or attachments shall exceed the followings dimensions:
- (a) Length eighteen and one-half feet (18½ ft.);
 - (b) Width eight feet (8 ft.);
 - (c) Height ten feet (10 ft.) measured from bottom of the tire; and
 - (d) All roadway vending vehicles or stands located in the roadway shall rest on either solid rubber or inflated rubber tires.
- 512.7 The basic design of all sidewalk vending carts shall conform with the following requirements:
- (a) A vending cart shall not exceed a maximum horizontal surface area of seven feet by four feet by six inches (7 ft. x 4 ft. x 6 in.), including handles, and may be stair-stepped;
 - (b) The vending cart shall be placed on one (1) or more wheels, such wheels shall not exceed two feet by eight inches (2 ft. x 8 in.) in diameter, and may include a folding leg;
 - (c) The vending cart shall contain a storage box beneath the surface platform;

- (d) The vending cart may have a canopy not to exceed a seven feet by four feet by six inches (7 ft. x 4 ft. x 6 in.) wide canvas on a covered frame mounted on the top of the cart platform; and
 - (e) The vending cart shall be equipped with a wood chuck to be used to prevent the cart from rolling or moving.
- 512.8 The basic design of all sidewalk vending stands shall conform to the following requirements:
 - (a) Wood or metal tables with attached folding legs shall be permitted. The size of the table shall not exceed the dimensions cited in §512.7(a);
 - (b) A solid, dark blue, color skirt shall be attached to the table surface on all sides and shall extend from the table surface no more than one inch (1 in.) from the sidewalk pavement; and
 - (c) No free standing clothes racks shall be allowed.
- 512.9 All sidewalk vending carts used to vend or display merchandise except Class A food vendors, shall be made of the following materials:
 - (a) Weather-resistant lumber with two (2) coats of varnish or non-toxic paint;
 - (b) All cart wheels shall be a wood or metal frame with rubber trim for tires; and
 - (c) All canopies shall be made of water-resistant canvas with wood or metal frames.
- 512.10 Any signage used to advertise the name of the vendor shall be displayed in the following manner:
 - (a) Stenciled on either the canopy flap, umbrella flap, vending table skirt or along the base of the cart; and
 - (b) Of a color and style that complements the overall design of the vending cart or stand.
- 512.11 The basic colors of all vending vehicles, stands and carts shall be of one predominant color (eighty percent (80%) or greater) with optional accent colors. Color combinations shall be organized in the following manner:
 - (a) All vending carts or stands shall use the canopy as the means of displaying the primary accent color;
 - (b) The color matching mechanism used to ensure compliance with appropriate color schemes for all vending carts and vehicles shall be the Grumbacher color computer (color wheel) manufacturer #B420; and

- (c) All sidewalk vending carts may be stained and varnished in place of compliance with §512.11(b).

512.12 All sidewalk vending carts and stands shall be maintained in a clean and sanitary condition. Carts and stands shall be subject to on-site inspection for compliance with this subsection by a duly authorized representative of the District of Columbia Government.

SOURCE: Final Rulemaking published at 31 DCR 4935 (October 5, 1984); as amended by Final Rulemaking published at 32 DCR 5746 (October 11, 1985); and by Final Rulemaking published at 32 DCR 7586 (December 27, 1985).

513 FOOD VENDING OPERATIONS

513.1 All preparation, storage, handling, transportation, and storage of food vended by licensees approved under the provisions of the chapter shall be in compliance with the provisions of this chapter and the Food Regulations of the District of Columbia (Title 23 DCMR).

513.2 No person licensed to vend any food that may be potentially hazardous (perishable) shall operate a vending vehicle unless it is equipped with a refrigerant or facilities sufficient to maintain food at a temperature of forty-five degrees Fahrenheit (45° F.) or less or under appropriate heat treatment at a temperature of one hundred forty degrees Fahrenheit (140° F.) or more.

513.3 No fish, poultry, or animals shall be cleaned or have their entrails removed in a food vending vehicle or on or at a stand; nor shall fish poultry, or animals be cut, processed, or otherwise prepared in a food vending operation.

513.4 Each vendor shall submit to the Mayor the address of the supplier of all prepared foods that he or she vends.

513.5 No food vending equipment shall be used for purposes other than those authorized by the Mayor, unless the Mayor has first approved another use in writing.

513.6 All vending vehicles that serve ready-to-eat or commercially prepackaged foods shall be inspected and approved by the Department of Consumer and Regulatory Affairs as being of a design which is approved by or is equivalent to a design approved by the National Sanitation Foundation and in compliance with DCMR, Title 23.

SOURCE: Section 2 of the Vendors Regulation Amendments Act of 1978, D.C. Law 2-82, 24 DCR 9293 (May 5, 1978); as amended by Final Rulemaking published at 35 DCR 3249 (May 6, 1988).

514 LITTERING

514.1 Vendors shall keep sidewalk, roadways, and other public space adjoining and adjacent to their locations of business clean and free from paper, peelings, and refuse of any kind.

- 514.2 All vendors shall affix to their stands or vehicles a container for litter that shall be maintained and emptied when full. Public containers shall not be used for compliance with this subsection.

SOURCE: Final Rulemaking published at 31 DCR 4935 (October 5, 1984).

515 RESTRICTED VENDING LOCATIONS

- 515.1 No vendor shall vend within the same square block of the grounds of any hospital, nursing home, skilled care facility, or related institution.
- 515.2 No vendor shall vend within three hundred feet (300 ft.) of any part of the grounds of any elementary or secondary school prior to the beginning of the school day and continuing in time until thirty (30) minutes after school has been dismissed at the end of the school day.
- 515.3 No vendor shall vend in or on any sidewalk adjacent to the following squares:
- (a) LaFayette;
 - (b) McPherson;
 - (c) Franklin; or
 - (d) Farragut.
- 515.4 No vendors shall vend in or upon any highway or public space within the area known as "Old Georgetown" enclosed by the following continuous boundary, except as specifically provided in §515.5:
- (a) Bounded on the east by Rock Creek and Potomac Parkway from the Potomac River to the north boundary of Dumbarton Oaks Park;
 - (b) Bounded on the north by the north boundary of Dumbarton Oaks Park, Whitehaven Street, and Whitehaven Parkway to Thirty-fifth Street, south along the middle of Thirty-fifth Street to Reservoir Road, west along the middle of Reservoir Road to Archbold Parkway;
 - (c) Bounded on the west by Archbold Parkway from Reservoir Road to the Potomac River; and
 - (d) Bounded on the south by the Potomac River and the Rock Creek Parkway.
- 515.5 Vending shall be permitted within the "Old Georgetown" area described in §515.4 only on the sidewalks of the streets intersecting with Wisconsin Avenue, N.W., as follows:
- (a) On the northeast side of P Street - one (1) vendor;
 - (b) On the northwest side of P Street - two (2) vendors;

- (c) On the northeast side of O Street - two (2) vendors;
- (d) On the northwest side of O Street - two (2) vendors;
- (e) On the northeast side of Dumbarton Street - three (3) vendors;
- (f) On the southeast side of Dumbarton Street - three (3) vendors;
- (g) On the northwest side of N Street - two (2) vendors;
- (h) On the southeast side of N Street - one (1) vendor;
- (i) On the southwest side of N Street - one (1) vendor; and
- (j) On the northwest side of Prospect Street - two (2) vendors; and
- (k) On the southwest side of Prospect Street - two (2) vendors.

515.6 No sidewalk vending business operated on the sites designated in §515.5 shall be within five feet (5 ft.) of any other sidewalk vending business.

515.7 The following boundaries shall constitute the central vending zone:

- (a) Beginning at the east curb of 9th Street, N.W. at K Street, N.W.;
- (b) East along the north curb of K Street, N.W. to the east curb of 1st Street, N.W.;
- (c) South along the east curb of 1st Street, N.W. to the north curb of Massachusetts Avenue, N.W.;
- (d) East along the north curb of Massachusetts Avenue, N.W. to the east curb of 3rd Street, N.E.;
- (e) South along the east curb of 3rd Street, N.E. to the south curb of M Street, S.W.;
- (f) West along the south curb of M Street, S.W. to the wall of the Washington Channel;
- (g) Northwest along the wall of the Washington Channel to the south curb of East Tidal Basin Drive, S.W.;
- (h) West along the south curb of East Tidal Basin Drive, S.W. to the south curb of Independence Avenue, S.W.;
- (i) North along the west curb of the Potomac Parkway to Rock Creek Parkway;
- (j) North along Rock Creek Parkway to the north curb of M Street, N.W.;

515.7 (Continued)

- (k) East along the north curb of M Street, N.W. to the west curb of 25th Street, N.W.;
- (l) North along the west curb of 25th Street, N.W. to the north curb of N Street, N.W.;
- (m) East along the north curb of N Street, N.W. to the west curb of 20th Street, N.W.;
- (n) North along the west curb of 20th Street, N.W. to the east curb of Connecticut Avenue, N.W.;
- (o) South along the east curb of Connecticut Avenue, N.W. to the north curb of Massachusetts Avenue, N.W.; and
- (p) Southeast along north curb of Massachusetts Avenue, N.W. to the north curb of K Street, N.W.

515.8 Street vending in Ward 1 shall be permitted only within the following Neighborhood Vending Commercial Zones (as specified by D.C. Zoning Regulations) unless otherwise designated by the Executive Director, Office of Business and Economic Development after a public hearing:

NEIGHBORHOOD COMMERCIAL ZONES

Street	From	To	District
Columbia Rd., NW	16th Street, NW	Kalorama Rd., NW	C-2-B
Florida Ave., NW	Porter Pl., NW	Georgia Ave., NW	C-2-A
Georgia Ave., NW	Euclid Street, NW	Varnum St., NW	C-2-A
Mt. Pleasant St., NW	Irving Street, NW	Park Rd., NW	C-2-A
6th Street, NW	Fairmont Street, NW	College Street, NW	R-5-B
On the west side of 6th Street, N.W. only, as follows:			
- 100 feet south of the Fairmont Street curb - one (1) vendor			
- 150 feet south of the Fairmont Street curb - two (2) vendors			
- 175 feet south of the Fairmont Street curb - one (1) vendor			
7th Street, NW	Florida Ave., NW	T Street, NW	C-2-N/Arts
14th Street., NW	Columbia Rd., NW	Merridian Pl., NW	C-2-A

515.9 Street vending in Ward 2 shall be permitted only within the following Neighborhood Vending Commercial Zones (as specified by D.C. Zoning Regulations) unless otherwise designated by the Executive Director, Office of Business and Economic Development after a public hearing:

515.9 (Continued)

NEIGHBORHOOD COMMERCIAL ZONES

Street	From	To	District
H Street, NE	3rd Street, NE	9th Street, NE	C-2-A
K Street, NE	N. Capitol, NE	1st Street, NE	C-M-3
P Street, NW	23rd Street, NW	Dupont Circle, NW	C-2-C
7th Street, NW	M Street, NW	Q Street, NW	C-2-A
9th Street, NW	M Street, NW	Q Street, NW	C-2-A
14th Street, NW	Florida Ave., NW	M Street, NW	C-2-A
17th Street, NW	Church Street, NW	Swann St., NW	C-2-A
20th Street, N.W.	R Street, N.W.	S Street, N.W.	C-3-B
On the west side of 20th Street, N.W. only.			

- 515.10 Street vending in Ward 3 shall be permitted only within the following Neighborhood Vending Commercial Zones (as specified by D.C. Zoning Regulations) unless otherwise designated by the Executive Director, Office of Business and Economic Development after a public hearing:

NEIGHBORHOOD COMMERCIAL ZONES

Street	From	To	District
Conn. Ave., NW	Calvert St., NW	Cathedral Ave., NW	C-2-A
Conn. Ave., NW	Cathedral Ave., NW	Devonshire St., NW	C-2-A
Conn. Ave., NW	Fessenden St., NW	Nebraska Ave., NW	C-1
Conn. Ave., NW	Livingston St., NW	Oliver Street, NW	C-1
Conn. Ave., NW	Macomb St., NW	Porter Street, NW	C-1
Conn. Ave., NW	Van Ness St., NW	Albemarle St., NW	C-1
Conn. Ave., NW	Woodley Rd., NW	Macomb St., NW	C-1
MacArthur Blvd., NW	Cathedral Ave., NW	Dana Place, NW	C-1
MacArthur Blvd., NW	V Street, NW	Reservoir Rd., NW	C-2-A
Mass. Ave., NW	49th Street, NW	Fordham Rd., NW	C-2-A
New Mexico Ave., NW	Klingle St., NW	Macomb St., NW	C-1
Ordway Street, N.W.	Conn. Ave., N.W.	Alley	C-2-A
On the south side of Ordway only - For fruit and flower sales only.			
Wisc. Ave., NW	Albemarle St., NW	Brandywine St., NW	C-2-A
Wisc. Ave., NW	Harrison St., NW	Western Ave., NW	C-2-A
Wisc. Ave., NW	Macomb St., NW	Ordway St., NW	C-2-A
Wisc. Ave., NW	Rodman St., NW	Yuma Street, NW	C-2-A
24th St., NW	Conn. Ave., NW	Calvert St., NW	DWP-C-2-A

- 515.11 Street vending in Ward 4 shall be permitted only within the following Neighborhood Vending Commercial Zones (as specified by D.C. Zoning Regulations) unless otherwise designated by the Executive Director, Office of Business and Economic Development after a public hearing:

NEIGHBORHOOD COMMERCIAL ZONES

Street	From	To	District
Blair Rd., NW	5th Street, NW	Whittier Street, NW	C-1
Cedar Street, N.W.	Vine Street, N.W.	Blair Road, N.W.	C-2-A
Georgia Ave., NW	Fern Street, NW	Eastern Ave., NW	C-2-A
Georgia Ave., NW	Gallatin Street, NW	Madison Street, NW	C-2-A
Georgia Ave., NW	Madison Street, NW	Van Buren Street, NW	C-2-A
New Hampshire Ave., NW	Farragut Street, NW	Gallatin Street, NW	C-1
Riggs Road, NE	S. Dakota Ave., NW	Chillum Place, NE	C-1

515.11 (Continued)

NEIGHBORHOOD COMMERCIAL ZONES

Street	From	To	District
Upshur Street, NW	3rd Street, NW	Rock Creek Church Rd., NW	C-2-A
14th Street, NW	Buchanan Street, NW	Decatur Street, NW	C-1

- 515.12 Street vending in Ward 5 shall be permitted only within the following Neighborhood Vending Commercial Zones (as specified by D.C. Zoning Regulations) unless otherwise designated by the Executive Director, Office of Business and Economic Development after a public hearing:

NEIGHBORHOOD COMMERCIAL ZONES

Street	From	To	District
Allison Street, NE	Michigan Ave., NE	Eastern Ave., NE	C-1
Benning Rd., NE	Bladensburg Rd. NE	Oklahoma Ave., NE	C-2-A
Bladensburg Rd., NE	L Street, NE	Mt. Olivet Street, NE	C-2-A
Florida Ave., NW	Rhode Is. Ave., NW	N. Capitol Street	C-2-A
Florida Ave., NE	West Va. Ave., NE	Montello Ave., NE	C-2-A
Mt. Olivet Rd., NE	West Va. Ave., NE	Trinidad Ave., NE	C-2-A
Rhode Is. Ave., NE	Monroe Street, NE	Eastern Ave., NE	C-2-A
Rhode Is. Ave., NE	2nd Street, NE	1st Street, NE	C-2-A
Rhode Is. Ave., NE	4th Street, NE	10th Street, NE	C-2-A
Rhode Is. Ave., NE	13th Street, NE	18th Street, NE	C-2-A
12th Street, NE	Michigan Ave., NE	Irving Street, NE	C-2-A

- 515.13 Street vending in Ward 6 shall be permitted only within the following Neighborhood Vending Commercial Zones (as specified by D.C. Zoning Regulations) unless otherwise designated by the Executive Director, Office of Business and Economic Development after a public hearing:

NEIGHBORHOOD COMMERCIAL ZONES

Street	From	To	District
First Street, N.E.	G Street, N.E.	K Street, N.E.	C-M-3/C-3-C
Good Hope Rd., SE	MLK, Ave., SE	13th Street, SE	C-2-A
H Street, NE	9th Street, NE	15th Street, NE	C-2-B
MLK Jr., Ave., SE	Morris Rd., SE	Good Hope Rd., SE	C-2-A
Mass. Ave., NE	2nd Street, SE	3rd Street, NE	C-2-A
N. Capitol Street, N.E.	G Street, N.E.	K Street, N.E.	C-M-3/C-3-C
Naylor Road, SE	Alabama Ave., SE	30th Street, SE	C-1
Penn. Ave., SE	2nd Street, SE	Potomac Ave., SE	C-2-A
8th Street, SE	Penn. Ave., SE	I Street, SE	C-2-A
15th Street, NE/SE	Const. Ave., NE	A Street, SE	C-2-A

- 515.14 Street vending in Ward 7 shall be permitted only within the following Neighborhood Vending Commercial Zones (as specified by D.C. Zoning Regulations) unless otherwise designated by the Executive Director, Office of Business and Economic Development after a public hearing:

NEIGHBORHOOD COMMERCIAL ZONES

Street	From	To	District
Alabama Ave., SE.	28th Street, SE	Alley	C-3-A
Only as follows:			
- 125 feet west of the alley - only (1) vending site			
- 160 feet west of the alley - only (1) vending site			
- 380 feet west of the alley - one (1) vending site			
- 424 feet west of the alley - one (1) vending site			
Benning Rd., NE	44th Street, NE	A Street, SE	C-1
Branch Ave., SE	R Street, SE	S Street, SE	C-1
Central Ave., SE	56th Street, SE	Southern Ave., SE	C-1
Dix Street, NE	60th Street, NE	Eastern Ave., NE	C-2-A
Hanna Pl., SE	Benning Rd., SE	Southern Ave., SE	C-2-A
Minn. Ave., NE	Blaine Street, NE	Grant Street, NE	C-2-A
Naylor Rd., SE	30th Street, SE	Southern Ave., SE	C-2-A
Naylor Rd., SE	30th Street, SE	Southern Ave., SE	C-1
Nannie H. Burroughs Street, NE	52nd Street, NE	53rd Street, NE	C-1
Nannie H. Burroughs Street, NE	Minn. Ave., NE	47th Street, NE	C-1
Penn. Ave., SE	Alabama Ave., SE	Ft. Davis Pl., SE	C-2-A
Penn. Ave., SE	Fairlawn Ave., SE	27th Street, SE	C-2-A

- 515.15 Street vending in Ward 8 shall be permitted only within the following Neighborhood Vending Commercial Zones (as specified by D.C. Zoning Regulations) unless otherwise designated by the Executive Director, Office of Business and Economic Development after a public hearing:

NEIGHBORHOOD COMMERCIAL ZONES

Street	From	To	District
Alabama Ave., SE	13th Street, SE	Logan Pl., SE	C-2-A
Livingston Rd., SE	3rd Street, SE	Southern Ave., SE	C-3-A
MLK Jr., Ave., SE	4th Street, SE	Milwaukee Street, SE	C-2-A
MLK Jr., Ave., SE	Sterling Street, SE	Halley Pl., SE	C-1
S. Capitol Street, SE	Xenia Street, SE	Chesapeake Street, SE	C-1
Savannah St., SE	22nd Street, SE	23rd Street, SE	C-1
Wheeler Rd., SE	Wahler Pl., SE	Bellevue Street, SE	C-1
15th Street, SE	Alabama Ave., SE	Miss. Ave., SE	C-2-A

- 515.16 Sidewalk vending business or operation shall be prohibited on the following streets:

NON-VENDING STREETS

East	Side of New Hampshire Avenue between 21st and N Streets, N.W.
East	Side of 2nd Street between East Capitol Street and M Street, S.W.
East	Side of 2nd Street between K Street, N.E. and East Capitol Street

515.16 (Continued)

East	Side of 6th Street between L and M Street, S.E.
East	Side of 10th Street, N.W. between E Street and Pennsylvania Avenue, N.W.
East	Side of 12th Street between Constitution Avenue and D Street, N.W.
East	Side of 12th Street between I and K Streets, N.W.
East	Side of 12th Street between New York Avenue and G Street, N.W.
East	Side of 13th Street between L Street and Massachusetts Avenue, N.W.
East	Side of 14th Street between Constitution Avenue and D Street, N.W.
East	Side of 22nd Street between F and G Streets, N.W.
East	Side of 24th Street between Pennsylvania Avenue and L Street, N.W.
East	Side of 24th Street between Virginia Avenue and G Street, N.W.
East	Side of 25th Street between H and I Streets, N.W.
East	Side of 26th Street between I and K Streets, N.W.
East/West	Sides of Delaware Avenue between M and H Streets, S.W.
East/West	Sides of Half Street between M and I Streets, S.E.
East/West	Sides of Half Street between M and I Streets, S.W.
East/West	Sides of New Hampshire Avenue, Virginia Avenue and I Street, N.W.
East/West	Sides of 1st Street between Independence Avenue and Canal Street, S.W.
East/West	Sides of 1st Street between M and H Streets, S.W.
East/West	Sides of 2nd between M and D Streets, S.E.
East/West	Sides of 3rd Street between M and I Streets, S.W.
East/West	Sides of 5th Street between H and K Streets, N.W.
East/West	Sides of 6th Street between M and G Streets, S.W.
East/West	Sides of 8th Street between E Street and Pennsylvania Avenue, N.W.
East/West	Sides of 9th Street between New York Avenue and G Street, N.W.
East/West	Sides of 11th Street between New York Avenue and H Street, N.W.
East/West	Sides of 21st Street between C and E Streets, N.W.
East/West	Sides of 23rd Street between C and E Streets, N.W.
East/West	Sides of 23rd Street between L Street and Washington Circle, N.W.
East/West	Sides of 25th Street between I and K Streets, N.W.
East/West	Sides of 25th Street between L and M Streets, N.W.
North	Side of D Street between 3rd and 4th Streets, N.W.
North	Side of D Street between 5th and 9th Streets, N.W.

515.16 (Continued)

North	Side of E Street between 1st and 2nd Streets, N.W.
North	Side of E Street between 3rd and 4th Streets, N.W.
North	Side of F Street between 21st and 22nd Streets, N.W.
North	Side of N Street 21st Street and New Hampshire Avenue, N.W.
North	Side of Pennsylvania, N.W. between 9th and 10th Streets, N.W.
North	Side of Virginia Avenue between 23rd and 24th Street, N.W.
North/South	Sides of C Street between South Capitol and 3rd Streets, S.E.
North/South	Sides of C Street, S.W. between 6th and South Capitol Streets
North/South	Sides of C Street between 21st and 23rd Streets, N.W.
North/South	Sides of Connecticut Avenue between N Street and Dupont Circle
North/South	Sides of D Street between 4th Street, S.W. and 3rd Street, S.E.
North/South	Sides of E Street between South Capital Street and L'Enfant Plaza Circle
North/South	Sides of E Street between 2nd and 7th Streets, S.W.
North/South	Sides of E Street between 5th and 14th Streets, N.W.
North/South	Sides of E Street between 21st and 23rd Streets, N.W.
North/South	Sides of F Street between New Jersey and North Capitol Street
North/South	Sides of G Street between 9th Street and the Cul de Sac
North/South	Sides of H Street between 6th and Massachusetts Avenue, N.W.
North/South	Sides of H Street between 9th and 11th Streets, N.W.
North/South	Sides of H Street between New Hampshire Avenue and 24th Street, N.W.
North/South	Sides of I Street between South Capital Street and 3rd Street, S.E.
North/South	Sides of I Street between 7th Street, S.W. and South Capitol Street
North/South	Sides of I Street between 13th and 15th Streets, N.W.
North/South	Sides of I Street between 26th and Hampshire Avenue, N.W.
North/South	Sides of Jefferson Place between 18th and 19th Streets, N.W.
North/South	Sides of K Street between Half Street, S.W. and 3rd Street, S.E.
North/South	Sides of K Street between Wesley Place and Delaware Avenue, S.W.
North/South	Sides of K Street between 25th and 26th Streets, N.W.
North/South	Sides of L Street between 3rd Street, S.W. and 3rd Street, S.E.
North/South	Sides of L Street between 24th and 25th Streets, N.W.
North/South	Sides of M Street between 21st Street and Connecticut Avenue, N.W.
North/South	Sides of M Street between 23rd and 28th Street, N.W.

515.16 (Continued)

North/South	Sides of Massachusetts Avenue between Thomas Circle and 11th Street, N.W.
North/South	Sides of N Street between 18th and Bataan Streets, N.W.
North/South	Sides of N Street between 21st and 25th Streets, N.W.
North/South	Sides of New York Avenue between 9th and 11th Streets, N.W.
North/South	Sides of Sunderland Place between 19th and 20th Streets, N.W.
South	Side of C Street between 12th and 14th Streets, S.W.
South	Side of E Street, N.W. between 9th and 10th Streets, N.W.
South	Side of G Street between 7th and 9th Streets, N.W.
South	Side of G Street between 23rd and 24th Streets, N.W.
South	Side of H Street between 23rd and 24th Streets, N.W.
South	Side of K Street between 24th and 25th Streets, N.W.
West	Sides of 5th Street between D and E Streets, N.W.
West	Side of 9th Street, N.W. between E Street and Pennsylvania Avenue, N.W.
West	Side of 17th Street between Constitution Avenue and C Street, N.W.
West	Side of 17th Street between D and E Streets, N.W.
West	Side of 21st Street between New Hampshire Avenue and N Street N.W.
West	Side of 23rd Street between Virginia Avenue and G Street, N.W.

- 515.17 The following streets, in the central vending zone, shall be exempt from the requirement that the sidewalk not be narrower than eighteen feet (18 ft.), with a minimum twelve-foot (12 ft.) clear passageway maintained. However, each vending site listed below shall maintain a seven foot (7 ft.) clear passageway:

East/West	Sides of 19th Street, N.W. between Constitution Avenue and C Street, N.W.
East/West	Sides of 20th Street, N.W. between Constitution Avenue and C Street, N.W.
East/West	Sides of 21st Street, N.W. between Constitution Avenue and C Street, N.W.
South	Side of Independence Avenue, S.W. between 12th and 14th Streets, N.W.

- 515.18 Any vendor who wishes to vendor engage in any vending operation in the Mall Area or on the U.S. Capitol Grounds shall receive permission from the National Park Service for the Mall Area and from the Architect of the Capitol for the U.S. Capitol Grounds since these federal agencies have respective authority in these areas.

- 515.19 The following categories of goods shall be permitted for sale by vendors in the central and neighborhood vending zones:

- (a) **Ready-to-Eat Food:** Coffee, hot chocolate, and tea that are served with prepackaged condiments, hot dogs, half smokes, pretzels, and popcorn that are prepared at the vending vehicle for immediate human consumption;
- (b) **Produce:** Any non-hazardous or non-controlled product raised on a farm or orchard limited to fruits, vegetables and nuts in their natural state;
- (c) **Art:** The class of objects subject to aesthetic criteria which are products of creative work limited to silhouettes, paintings, drawings, sculpture, handcrafted jewelry, prints and posters;
- (d) **Printed Media:** Materials limited to books, newspapers, magazines, journals, pamphlets and posters;
- (e) **Plants:** Non-hazardous or non-controlled vegetation limited to cut flowers, dried flowers and potted plants;
- (f) **Novelties:** Articles of trade limited to balloons, t-shirts, puppets, buttons and toys;
- (g) **Merchandise:** All merchandise goods shall be sold by vendors except those items in §515.20;
- (h) **Beauty Products:** Any commercial preparation for application to the skin or hair limited to the following: Powder, non-regulated ointments, perfumes, colognes and body oil; and
- (i) **Commercially Prepackaged Foods:** Any commercially prepackaged food intended for immediate human consumption including: cakes, pies, pastries, dairy products, ice cream, sherberts, frozen yogurts, Italian ices, juices, sodas, candies, chips, meatless egg rolls, and pizza.

515.20 The following categories of goods shall be prohibited from sale by vendors:

- (a) Live animals;
- (b) Power tools;
- (c) Luggage exceeding six inches by eighteen inches by twenty inches (6 in. x 18 in. x 20 in.);
- (d) Rugs and carpets exceeding the surface area of the cart or stand;
- (e) Household appliances including refrigerators, microwave ovens, dishwashers, stoves, televisions;
- (f) Furniture;
- (g) Alcoholic beverages or other alcoholic items for consumption;

- (h) Potentially hazardous food with exception of those foods allowed under 24 DCMR §§515.19(a) and (i), or any drug, medicine, chemical, or any compound or combination thereof as restricted by D.C. Law 3-98, the District of Columbia Pharmacist and Pharmacy Regulation Act of 1980, or controlled substance as defined by D.C. Law 4-29, the District of Columbia Uniform Controlled Substances Act of 1981; and
 - (i) Drug paraphernalia and any offensive article or merchandise, including pornographic and obscene materials.
- 515.21 No vendor shall display or carry any object used as an example of items for sale or to advertise items for sale unless the object conforms precisely to the items being sold.
- 515.22 The licensing agency shall grant special permission to vend at a specific location in a residential zone when the following conditions are met:
 - (a) Vendor has a Class A license;
 - (b) Vendor limits his or her sales to produce as defined in §515.19(b); and
 - (c) Vendor shall, no later than fifteen (15) days prior to conducting sales, obtain the written consent of at least one (1) head of household of ninety percent (90%) of the residences on both sides of the block where sales will take place.
- 515.23 Written consents required pursuant to §515.22(c) shall comply with the following requirements:
 - (a) Written consents shall be in the form of a list containing, in numerical order of the street address, the name of the street upon which the vending activity will take place, names of the heads of household indicating that they have no objection to the vending activity;
 - (b) Each page of the list shall contain, at the top thereof, in capital letters, the name of the vendor, a description of the produce to be sold, and the hours of operation; and
 - (c) The list shall be subject to investigation by the licensing agency and if the purported signature of any person is found not authentic, such circumstances shall be valid grounds to deny or revoke a license to vend.
- 515.24 Sidewalk vending activities, under this section, shall be restricted to an area of the sidewalk not to exceed the dimensions of the design standards set forth in §512.
- 515.25 Roadway vending activities, under this section, shall be conducted forty feet (40 ft.) from the intersection and in a legal parking space and such roadway vehicles shall meet the design standards set forth in §512.6.

- 515.26 The Metropolitan Police Department shall on a monthly basis register vendors for participation in the site assignment lottery by assigning each vendor a registration number.
- 515.27 No vendor may participate in the site assignment lottery unless the vendor is licensed and registered for the lottery.
- 515.28 The Metropolitan Police Department shall conduct a monthly lottery for the assignment of vending sites. Even and odd numbered lottery registrants shall participate in the site assignment lottery on alternating months. No vendor may be assigned more than one site per month, and only one (1) vendor may occupy an assigned site.
- 515.29 No lottery registration or site assignment made through the site assignment lottery is transferable.
- 515.30 The Mayor may, based on recommendations from the Chief of Police, designate additional vending areas, if otherwise allowed by 24 DCMR, chapter 5, for assignment of vending sites to vendors by lottery, including Columbia Road, N.W., between 16th Street, N.W., and Kalorama Road, N.W., where up to three (3) vending sites per block shall be assigned, none of which shall be located in front of a predominantly residential building. The areas so designated shall be published in the *District of Columbia Register* for thirty (30) days public comment.

SOURCE: Regulation No. 74-39, 21 DCR 1285 (December 23, 1974); as amended by §2 of the Vendors Regulation Amendments Act of 1978, D.C. Law 2-82, 24 DCR 9293 (May 5, 1978); by Final Rulemaking published at 31 DCR 4935 (October 5, 1984); by Final Rulemaking published at 32 DCR 1347 (March 8, 1985); by Final Rulemaking published at 32 DCR 5746 (October 11, 1985); by Final Rulemaking published at 32 DCR 7586 (December 27, 1985); by Final Rulemaking published at 35 DCR 3249 (May 6, 1988); by Final Rulemaking published at 42 DCR 1955 (April 28, 1995); by Final Rulemaking published at 42 DCR 3060 (June 16, 1995); by Final Rulemaking published at 42 DCR 7105a (December 22, 1995), effective January 19, 1996; and by §2 of the Vending Site Lottery Assignment Amendment Act of 1996, D.C. Act 11-237, 43 DCR 4238 (August 9, 1996).

516 ROADWAY VENDING

- 516.1 No roadway vending vehicle shall remain in any one (1) place for a period longer than necessary to make sale after having been approached or stopped for that purpose.
- 516.2 When stopped, a roadway vending vehicle shall be properly parked in a legal parking place.
- 516.3 No roadway vending business shall be transacted within one hundred feet (100 ft.) of the roadway of a traffic circle.
- 516.4 No roadway vending business shall be located or transacted within forty feet (40 ft.) of any intersection or within any of the distances specified in §2405 of this titles, except that vehicles vending ice cream or other products likely to attract children as customers shall park curbside when stopping to make a sale as close as possible to a pedestrian crosswalk without entering the intersection or otherwise interfering with the flow of traffic.

516.5 The following roadway vending sites have been designated by the Mayor in accordance with §501 of this chapter:

- (a) North side of Independence Avenue, S.W., between Fourth and Fifth Streets, S.W., at the east entrance to the Air and Space Museum - one (1) location on each side of the entrance, or two (2) locations total;
- (b) North side of Independence Avenue, S.W., between Sixth and Seventh Streets, S.W., at the west entrance of the Air and Space Museum - one (1) location on each side of the entrance, or two (2) locations total;
- (c) North side of Independence Avenue, S.W., at Sixth Street, S.W. - eight (8) locations;
- (d) North side of Independence Avenue, S.W., at the west side of the entrance to the Hirshhorn Museum - three (3) locations;
- (e) North side of Independence Avenue, S.W., at the east side of the entrance to the Hirshhorn Museum - two (2) locations;
- (f) North side of Independence Avenue, S.W., at Twelfth Street, S.W. - two (2) locations;
- (g) The roadway on the north side of Independence Avenue, S.W., in front of the parking lot adjacent to the west side of the Freer Art Gallery - two (2) locations;
- (h) South side of Constitution Avenue, N.W., between Sixth and Seventh Streets, N.W., at the west side of the entrance to the National Gallery of Art - three (3) locations;
- (i) South side of Constitution Avenue, N.W., between Seventh and Ninth Streets, N.W. - two (2) locations on each end, or a total of four (4) locations;
- (j) South side of Constitution Avenue, N.W., at Tenth Street, N.W. - six (6) locations on the east side of the entrance to the Museum of Natural History;
- (k) South side of Constitution Avenue, N.W. - three (3) locations on the east side and three (3) locations on the west side of the entrance to the Museum of History and Technology;
- (l) West side of Fifteenth Street, N.W., at Constitution Avenue, N.W. - eight (8) locations;
- (m) West side of Fifteenth Street, N.W., at E Street, N.W. - eight (8) locations; and
- (n) East side of Seventeenth Street, N.W., at Constitution Avenue, N.W. - eight (8) locations;

- (o) East side of Seventeenth Street, N.W., at E Street, N.W. - two (2) locations;
- (p) East side of Seventeenth Street, N.W., at State Place - three (3) locations.

516.6 The number of roadway vending vehicles registered for the lottery, pursuant to §516.7, shall be limited to twice the number of designated fixed roadway sites (76 sites x 2 = 152 licenses). The following list consists of site number and locations:

NUMBER	LOCATION	AREA
1-6	400 Independence Avenue, S.W.	Air & Space Museum
7-12	600 Independence Avenue, S.W.	Air & Space Museum
13-18	700 Independence Avenue, S.W.	Hirshhorn Museum
19-20	1000 Independence Avenue, S.W.	Smithsonian Museum
21-22	1200 Independence Avenue, S.W.	Smithsonian Museum
23-26	600 Constitution Avenue, N.W.	National Gallery of Art
27-30	700 Constitution Avenue, N.W.	National Gallery of Art
31-35	900 Constitution Avenue, N.W.	Natural History Museum
36-41	1200 Constitution Avenue, N.W.	American History Museum
42-50	200 15th Street, N.W.	Ellipse East
51-59	400 15th Street, N.W.	Ellipse East
60-67	200 17th Street, N.W.	Ellipse West
68-69	400 17th Street, N.W.	State Place
70-72	500 17th Street, N.W.	State Place
73-74	1300 C Street, S.W.	Dept. of Agriculture
75-76	2100 H Street, N.W.	George Wash. University

516.7 All roadway vending sites shall be allocated by lottery. The Metropolitan Police Department shall conduct the lottery for the assignment of roadway vending sites and the lottery shall be conducted monthly, with sites allocated for each week in the month. There shall be one (1) lottery for all roadway sites with equal allocation of Class A and Class B vending licenses.

516.8 No fixed-roadway vending multiple stand (MSVO) shall be issued permits for more than two (2) vehicles to participate in the lottery.

516.9 Each vendor that operates from a stand, cart, or vehicle owned by a Multiple Stand Vending Operation (MSVO) shall be individually licensed.

SOURCE: Regulation No. 74-39, 21 DCR 1285 (December 23, 1974); as amended by Final Rulemaking published at 31 DCR 4935 (October 5, 1984).

517 SPECIAL EVENTS

517.1 The Executive Director, Office of Business and Economic Development shall identify and give notice of items when vending opportunities may be expanded during holidays, weekends, parades and other special occurrences.

- 517.2 For the purposes of special events as identified by §517.1, the Executive Director, Office of Business and Economic Development, may waive the requirements of this chapter regarding vending areas and sites, types of permitted vending, or numbers of licensed vendors, in order to accommodate additional vending opportunities during special events; Provided, that the terms and duration of the waiver shall be specified on the notice issued by the Office of Business and Economic Development pursuant to §517.1.
- 517.3 A Class A temporary or Class B temporary vending license for unlicensed vendors shall be required for special events.
- 517.4 Vendors holding valid annual licenses shall not be required to obtain temporary licenses.
- 517.5 Vendors holding annual vending licenses shall not be displaced from their site by vendors holding temporary licenses.
- 517.6 Vendors holding valid annual vending licenses shall be given first preference in allocations for special events, District residents shall be given second preference and all other applicants shall follow.
- 517.7 Vendors who hold temporary licenses for special events shall meet the vending cart or stand dimensions pursuant to §512.3 and roadway vendors shall meet the dimensions pursuant to §512.6.
- 517.8 Vendors who hold temporary licenses for vending food at special events shall be required to meet all city health inspection requirements and safety standards.
- 517.9 The licensing agency shall issue temporary vending licenses on a first come, first serve basis, only for a number of additional licenses approved for a special event.

SOURCE: Final Rulemaking published at 32 DCR 1347 (March 8, 1985).

518 **[REPEALED]** 41 DCR 7787 (December 2, 1994).

519 **[REPEALED]** 41 DCR 7787 (December 2, 1994).

520 NEWSPAPER VENDING STANDS

- 520.1 No person shall sell newspapers from public space without a license, except as provided in D.C. Code §47-2834 (1981) and §112 of this title.
- 520.2 Each owner or manager of a newspaper shall pay a license fee of fifty cents (50¢) per annum for each box or rack, of either the mechanical vending or honor system type, placed or maintained or caused to be placed or maintained for the sale of his or her newspaper from fixed locations on public space, as provided in this section.

- 520.3 A license shall be issued by the superintendent of licenses to each owner or manager of a newspaper, or the owner's or manager's authorized agents, to place and maintain mechanical vending boxes of an approved type and design for the sale of the owner's or manager's newspapers on public space in locations approved by the Chief of Police.
- 520.4 Within the area north of Massachusetts Avenue, N.W.; from Western Avenue to Twenty-second Street; Florida Avenue from Twenty-second Street, N.W., to Benning Road, N.E.; and Benning Road to Eastern Avenue; fixed mechanical vending boxes shall be permitted in numbers not to exceed two hundred (200) locations adjacent to the street curb in residential use districts, under the Zoning Regulations (DCMR 11).
- 520.5 Licenses shall be issued by the Director of Consumer and Regulatory Affairs to owners or managers of newspapers, or their authorized agents, to place and maintain honor system vending racks of an approved type and design for the sale of their newspapers on public space adjacent to the street curb at locations approved by the Chief of Police, in accordance with the following restrictions:
- (a) Honor racks shall be located only within the area north of Massachusetts Avenue, N.W., from Western Avenue, to Twenty-second Street, Florida Avenue from Twenty-second Street, N.W., to Benning Road, N.E., and Benning Road to Eastern Avenue;
 - (b) Honor racks shall be limited to locations in residential use districts under the Zoning Regulations; and
 - (c) The total number of honor racks authorized shall not exceed one hundred and fifty (150) for each newspaper.
- 520.6 Prior to the issuance of a license for a fixed mechanical vending box or honor system vending rack, the owner, manager, or authorized agent of the newspaper applying for the license, shall agree to the conditions and requirements set forth in §§520.7 through 520.22.
- 520.7 The permittee shall assume all liability arising out of any injury to person or damage to property occurring either directly or indirectly as a result of the occupation of public space by newspaper boxes, racks, or posts, or other supports.
- 520.8 The newspaper boxes or racks shall not be used for the sale of Sunday newspapers.
- 520.9 No sign, advertisement, or lettering of any character shall be placed on any newspaper box, rack, stand, or post, other than the name of the newspaper, its price, a brief direction for the depositing of coins and operating a mechanical newspaper stand, the name and business address of the person in charge of the stand, and directions informing the public where a refund may be secured for money deposited for which no paper was received.

- 520.10 All newspaper boxes, racks, stands, or posts shall be kept in good repair; and shall be neatly painted a standard green color, with authorized lettering clearly and distinctly painted, or stenciled, in white.
- 520.11 Each mechanical vending box shall be securely attached to metal stands of an approved design.
- 520.12 When located at curb locations, newspaper stands shall be permanently and securely fixed in an approved manner; and not more than three (3) boxes shall be placed at or immediately contiguous to any one (1) of the street corners at street intersections, or at any other approved location.
- 520.13 No mechanical vending box shall be maintained in use when it is not in perfect working order. The person in charge of the box, as well as the owner, shall be subject to the penalty provided for violation of the regulations for maintaining a vending box that is not in perfect working order.
- 520.14 A sign shall be placed on each mechanical vending box informing the public of the name and business address of the owner, and of the person in charge of the box.
- 520.15 The sign on each mechanical vending box shall state that the person in charge will refund to any person money deposited by him or her for which no paper has been received. The person in charge of the vending box shall refund all deposited money for which no paper has been received.
- 520.16 A sign shall also be displayed on a mechanical vending box when the box is empty to inform the public that the box contains no newspapers.
- 520.17 Honor system racks shall be securely attached to permanent iron posts; and not more than one (1) post shall be erected at or immediately contiguous to any one (1) of the street corners at street intersections, or at any other approved location.
- 520.18 Where a license is issued for the erection of a post at an approved location, the licensee permitted to erect the post shall grant another licensee permission to attach his or her rack to the post. In no approved location, however, shall there be more than three (3) racks.
- 520.19 When a licensee discontinues the use of any box, post, or other holder, he or she shall notify the Director of the Consumer and Regulatory Affairs of this fact. The notice to the Director shall operate as a cancellation of the licensee's license, and the box, post, or other holder that is no longer in use shall be removed within five (5) days of the notice.
- 520.20 Nonuse for a period of seven (7) days of any box, post, or other holder for which a license has been issued shall be cause for revocation of the license.
- 520.21 Each license shall be accepted with the understanding that the Mayor may revoke it at will.

520.22 Upon revocation of his or her license, a licensee shall remove any box, post, or other holder within five (5) days of receipt of the notice of revocation from the Mayor.

520.23 Any person violating or failing to comply with the provisions of this section shall, upon conviction, be punished as prescribed in D.C. Code §47-2846 (1981).

SOURCE: Article 4, §21-26 of the Police Regulations for the District of Columbia, 54 Board of Commissioners' Minutes 1304(a), 1304(d); as amended by Commissioners Order 298,426/13, 57 Board of Commissioners' Minutes 444, April 3, 1936.

521 STREET PHOTOGRAPHY: BUSINESS LICENSES

521.1 No person, firm, or corporation shall engage in the business of taking photographs of any person or persons upon the streets, sidewalks, or other public spaces of the District of Columbia, for profit or gain, without first having obtained a license to do so from the Mayor.

521.2 Each application for a license under this section shall be made on a form prescribed by the Mayor, and shall contain the following information:

- (a) The true and correct name and address of the applicant and the applicant's trade name, if any, and
- (b) If the applicant is a non-resident, the name and address of a local agent or manager.

521.3 The fee for a business license for street photography shall be twenty-five dollars (\$25) per annum.

521.4 Each license shall date from November 1st of each year and expire on October 31st. The fees for each license shall be prorated in accordance with the provisions of D.C. Code §47-2805 (1981).

521.5 No person licensed under this section shall take a photograph of any person or persons, for profit or gain, upon any of the streets, sidewalks, or other public spaces of the District of Columbia; unless, at the time of taking the photograph, the photographer shall wear conspicuously upon his or her breast a badge corresponding to the number of his or her license. This badge shall be furnished without additional charge upon application to the Mayor.

SOURCE: Article 31 of the Police Regulations for the District of Columbia as of May 15, 1970.

522 STREET PHOTOGRAPHY: INDIVIDUAL PHOTOGRAPHERS

522.1 No individual not licensed under §521 shall take a photograph of any person or persons, for either direct or indirect profit or gain, upon any of the streets, sidewalks, or other public spaces of the District of Columbia persons, without first having obtained a license to do so from the Mayor as provided in this section.

- 522.2 Each person licensed to perform street photography shall be furnished with a badge corresponding to the number of his or her license. This badge shall be worn conspicuously upon the licensee's breast whenever taking photographs upon the streets, sidewalks, or other public spaces of the District.
- 522.3 Each license shall be issued only to an individual photographer taking photographs for a person, firm, or corporation licensed under §521, and shall set forth the name of the person, firm, or corporation for whom the photographer is acting.
- 522.4 A person licensed under this section shall not take photographs for himself or herself, or for any person, firm, or corporation whose name does not appear upon the license.
- 522.5 Every application for a license under this section shall be made on a form prescribed by the Mayor; and shall contain the true name and address of the applicant, and the name and address of the person, firm, or corporation for whom the photographer is acting.
- 522.6 The fee for each individual license shall be one dollar (\$1) per annum.
- 522.7 Individual licenses shall date from November 1st to each year and expire on October 31st.
- 522.8 Each license shall be exhibited upon the demand of any police officer.

SOURCE: Article 31 of the Police Regulations for the District of Columbia as of May 15, 1970.

523 STREET PHOTOGRAPHY: REQUIREMENTS AND RESTRICTIONS

- 523.1 Each licensee shall deliver or cause to be delivered a finished photograph of the person purchasing the photograph, or the licensee shall refund the purchase price within the time specified on the card handed to the person at the time of taking the photograph.
- 523.2 Each finished photograph shall be clear and sharp, and shall show no blur of focus or camera movement which affects the principal subject.
- 523.3 While engaged in taking photographs, no person licensed under §521 or §522 of this chapter shall impede traffic as defined in the District of Columbia Traffic Acts; nor shall any photographer remain longer than five (5) minutes at any one (1) location on the streets, sidewalks, or other public spaces.
- 523.4 No person licensed under this chapter shall take photographs, offer to take photographs, or engage in the business of taking photographs on the sidewalk or other public space between the center line of Pennsylvania Avenue, N.W., and a line extending along the northern boundary of the grounds of the White House and the Executive Office Building, between the east curb of East Executive Avenue and the west curb of Seventeenth Street.

- 523.5 Upon taking a photograph of any person, a licensee may hand a card to the person, if the person consents. The card shall state the photographer's agreement to furnish the finished photograph within a specific time, upon the proper forwarding of a preset price; or to refund in cash within a reasonable time the amount forwarded for payment in case the taking of the picture proves to be a failure.
- 523.6 It shall be the duty of the licensee to pick up all identification cards distributed by him or her that are discarded in the area in which the licensee is working.
- 523.7 Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this article pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this article shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985.

SOURCE: Article 31 of the Police Regulations for the District of Columbia as of May 15, 1970; as amended by §37 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 Technical and Clarifying Amendments Act of 1990, D.C. Law 8-237, 38 DCR 314, 328 (January 11, 1991).

524 **[EXPIRED]** D.C. Law 10-25, 40 DCR 5498 (July 30, 1993).

525 PENNSYLVANIA AVENUE ZONE: GENERAL PROVISIONS

- 525.1 The Director of the Department of Consumer and Regulatory Affairs, or designee, shall establish the vending area known as the Pennsylvania Avenue Zone as defined in §526.1.
- 525.2 All provisions of this chapter shall apply to §§525 through 529, except as otherwise provided.

SOURCE: Final Rulemaking published at 36 DCR 6846 (September 29, 1989).

526 PENNSYLVANIA AVENUE VENDING LOCATIONS

- 526.1 No vendor shall vend upon any public space within the area known as the "Pennsylvania Avenue Zone" except as specifically provided in §526.2. The boundaries of the Pennsylvania Avenue Zone shall be as follows:
- (a) **Western Boundary:** The western right-of-way line of Fifteenth Street, N.W., from the southeast corner of the Treasury Building to the southwest corner of the intersection of Pennsylvania Avenue and Fifteenth Street;

- (b) **Southern Boundary:** The Pennsylvania Avenue building line of each block extending across all north-south rights-of-way intersecting Pennsylvania Avenue;
- (c) **Eastern Boundary:** The eastern right-of-way line of Third Street, N.W., extending from the northeast corner of the intersection with Constitution Avenue to the southeast corner of the intersection of Pennsylvania Avenue; and
- (d) **Northern Boundary:** The building line of each block on Pennsylvania Avenue and on the adjacent north-south rights-of-way intersecting Pennsylvania Avenue extending seventy-five feet (75 ft.) north of the Pennsylvania Avenue curb except along Fifteenth Street, N.W., the north-south right-of-way boundary line extends one hundred forty feet (140 ft.) north of the Pennsylvania Avenue curb.

526.2 Vending shall be permitted within the Pennsylvania Avenue Zone, as delineated in §526.1, only on the sidewalks of Pennsylvania and Fifteenth Street as specified in the following (For purposes of clarification, food vendors are identified as a separate category from fruit vendors, and general merchandise vendors are identified as a separate category from flower vendors.):

- (a) On the west side of 15th Street, one hundred forty feet (140 ft.) north of the Hamilton Place curb - One (1) General Merchandise Vendor;
- (b) On the east side of 15th Street, one hundred ten feet (110 ft.) north of the Pennsylvania Avenue curb - One (1) Food Vendor;
- (c) On the south side of Pennsylvania Avenue, sixty feet (60 ft.) east of the 15th Street curb - One (1) General Merchandise Vendor;
- (d) On the south side of Pennsylvania Avenue, one hundred forty-five feet (145 ft.) west of the 14th Street curb - One (1) Food Vendor;
- (e) On the south side of Pennsylvania Avenue, fifty feet (50 ft.) east of the 13½ Street curb - One (1) Food Vendor;
- (f) On the north side of Pennsylvania Avenue, sixty-five feet (65 ft.) east of the 13th Street curb - One (1) Fruit or Flower Vendor;
- (g) On the south side of Pennsylvania Avenue, sixty feet (60 ft.) east of the 13th Street curb - One (1) General Merchandise Vendor;
- (h) On the south side of Pennsylvania Avenue, one hundred twenty-five feet (125 ft.) west of the 13th Street curb - One (1) Food Vendor;
- (i) On the south side of Pennsylvania Avenue, fifty feet (50 ft.) west of the 12th Street curb - One (1) Food Vendor;
- (j) On the north side of Pennsylvania Avenue, seventy feet (70 ft.) east of the 12th Street curb - One (1) Food Vendor;

- (k) On the north side of Pennsylvania Avenue, seventy feet (70 ft.) east of the 11th Street curb - One (1) Food Vendor;
- (l) [Deleted] 42 DCR 1955 (April 28, 1995).
- (m) On the north side of Pennsylvania Avenue, ninety feet (90 ft.) west of the 10th Street curb - One (1) General Merchandise Vendor;
- (n) On the south side of Pennsylvania Avenue, one hundred forty feet (140 ft.) west of the 10th Street curb - One (1) General Merchandise Vendor;
- (o) On the south side of Pennsylvania Avenue, two hundred feet (200 ft.) west of the 10th Street curb - One (1) General Merchandise Vendor;
- (p) On the south side of Pennsylvania Avenue, seventy feet (70 ft.) east of the 10th Street curb - One (1) General Merchandise Vendor;
- (q) [Deleted] 42 DCR 1955 (April 28, 1995).
- (r) On the south side of Pennsylvania Avenue, one hundred sixty-five feet (165 ft.) west of the 9th Street curb - One (1) Food Vendor;
- (s) On the south side of Pennsylvania Avenue, eighty-five feet (85 ft.) east of the 9th Street curb - One (1) Food Vendor;
- (t) On the south side of Pennsylvania Avenue, fifty-five feet (55 ft.) east of the 7th Street curb - One (1) Food Vendor;
- (u) On the north side of Pennsylvania Avenue, one hundred fourteen feet (114 ft.) east of the 7th Street curb - One (1) General Merchandise Vendor;
- (v) On the north side of Pennsylvania Avenue, sixty feet (60 ft.) west of the 6th Street curb - One (1) General Merchandise Vendor;
- (w) On the south side of Pennsylvania Avenue, eighty-five feet (85 ft.) west of the 6th Street curb - One (1) Food Vendor;
- (x) On the north side of Pennsylvania Avenue, one hundred sixty-three feet (163 ft.) east of the 6th Street curb - One (1) General Merchandise Vendor;
- (y) On the north side of Pennsylvania Avenue, between 6th and Constitution Avenue, one hundred feet (100 ft.) east of the 6th Street curb - One (1) Food Vendor;
- (z) On the south side of Pennsylvania Avenue, between 6th and Constitution Avenue, thirty-five feet (35 ft.) east of the 6th Street curb - One (1) Food Vendor;
- (aa) On the south side of Pennsylvania Avenue, fifty feet (50 ft.) west of the 4th Street curb - One (1) General Merchandise Vendor;

- (bb) On the south side of Pennsylvania Avenue, one hundred twenty feet (120 ft.) east of the 4th Street curb - One (1) Food Vendor;
- (cc) On the south side of Pennsylvania Avenue, fifty feet (50 ft.) east of the Constitution Avenue curb - One (1) Food Vendor; and
- (dd) On the north side of Pennsylvania Avenue, ninety feet (90 ft.) west of the 3rd Street curb - One (1) General Merchandise Vendor;

SOURCE: Final Rulemaking published at 36 DCR 6846 (September 29, 1989); as amended by Final Rulemaking published at 42 DCR 1955 (April 28, 1995); and by Final Rulemaking published at 42 DCR 7105a, 7105b (December 22, 1995), effective January 19, 1996.

527 PENNSYLVANIA AVENUE: HOURS OF OPERATION

- 527.1 Sidewalk vendors shall operate at the designated locations within the Pennsylvania Avenue Zone Monday through Sunday not earlier than 6:30 a.m., nor later than 9:00 p.m.
- 527.2 Vending hours of operation may be extended within the Pennsylvania Avenue Zone during Special Events in accordance with the provisions of §517 of this chapter.
- 527.3 No storage of equipment or merchandise related to the operation of the vending business shall be allowed on public space within the Pennsylvania Zone beyond the hours of operation.

SOURCE: Final Rulemaking published at 36 DCR 6846, 6849 (September 29, 1989).

528 PENNSYLVANIA AVENUE: CATEGORIES OF GOODS ALLOWED FOR SALE

- 528.1 The following categories of goods shall be permitted for sale by vendors within the area known as the Pennsylvania Avenue Zone:
 - (a) **Commercially Prepackaged Foods:** Any commercially prepackaged food intended for immediate human consumption including: cakes, pies, pastries, dairy products, ice cream, sherberts, frozen yogurts, Italian ices, juices, sodas, candies, chips, meatless egg rolls, and pizza;
 - (b) **Ready-to-Eat Foods:** Coffee, hot chocolate, or tea served with prepackaged condiments, hot dogs, half smokes, pretzels, and popcorn that are prepared at the vending cart for immediate consumption;
 - (c) **Produce:** Any non-hazardous or non-controlled product grown on a farm or orchard limited to fruits, vegetables, and nuts in their natural state;
 - (d) **Plants:** Non-hazardous or non-controlled vegetation limited to cut flowers, dried flowers, and potted plants; and

- (e) **General Merchandise:** Articles of trade limited to balloons, t-shirts, sweatshirts, puppets, buttons, toys, sunglasses, hats, books, newspapers, magazines, journals, pamphlets, and souvenirs, gloves, ear-muffs, scarfs, and umbrellas.

SOURCE: Final Rulemaking published at 36 DCR 6846, 6849 (September 29, 1989); as amended by Final Rulemaking published at 37 DCR 558 (January 12, 1990).

529 PENNSYLVANIA AVENUE: DESIGN STANDARDS

529.1 No vendor shall be allowed to operate unless the Director of the Department of Consumer and Regulatory Affairs, or designee, has reviewed and approved the design of a vending cart for utilization within the Pennsylvania Avenue Zone. In order for approval to be granted, carts shall meet the design standards specified in this section.

529.2 Sidewalk vending cart elements shall consist of the following:

(a) **Base:** The base shall have the following characteristics:

- (1) Constructed of weather resistant wood over a wood or metal frame which may be rigid or collapsible;
- (2) Finished with two (2) coats of stain, varnish, or non-toxic paint;
- (3) Fitted with a hitching device for towing, as well as all traffic safety equipment required by District law or regulation. The subparagraph shall not apply if the car is collapsible and will not be towed; and
- (4) Optionally, the base may contain a storage compartment that shall be constructed of the same material and finish as the base and be installed within the base of the cart below the platform; the compartment shall span the entire width of the platform and may vary in length; maximum depth of the storage compartment below the platform shall be one foot by six inches (1 ft. x 6 in.). No other on-site storage of merchandise shall be permitted;

(b) **Wheels:** The wheels shall have the following characteristics:

- (1) For carts that are rigid, there shall be two (2) principal wheels with metal open frames that meet all applicable laws and regulations for street towing. The diameter of the wheels shall be not less than twenty-one inches (21 in.) and not more than thirty-two inches (32 in.). Wheel thickness shall be a maximum of four inches (4 in.); or
- (2) For carts that are collapsible and will not be towed, there shall be two (2) principal wheels with metal open frames. The diameter of the wheels shall not be less than twenty-one inches (21 in.) and not more than thirty-two inches (32 in.);

- (c) **Canopy framing:** The canopy framing and support members may be constructed so that it can be disassembled for ease of transport. Vertical supports from the platform to the canopy shall be no wider than two and one-half inches (2½ in.);
- (d) **Canopy:** The canopy shall cover the entire length and width of the cart platform. The canopy configuration shall be a gable-roof with a twenty-five degree (25°) slope. The ridgeline shall run the full length of the cart. The canopy shall be made of water resistant canvas;
- (e) **Chair:** One wood folding chair with a canvas seat and back may be used if desired by the vendor. The chair shall be placed adjacent to the cart, maintaining all street and sidewalk clearances; and
- (f) **Signage:** All signage shall be an integral part of the cart, i.e., stenciled on either the canopy flap or along the base of the cart. No signs shall be hung from the base, canopy, or canopy support members.

529.3 Sidewalk vending cart dimensions for the Pennsylvania Vending Zone shall be as follows:

- (a) Width: four feet by six inches (4 ft. x 6 in.) maximum;
- (b) Length: seven feet (7 ft.);
- (c) Base clearance from sidewalk: one foot (1 ft.) minimum;
- (d) Platform height from sidewalk: two feet by six inches (2 ft. x 6 in.);
- (e) Platform siderail height: six inches (6 in.);
- (f) Height of canopy flap from sidewalk: six feet by three inches (6 ft. x 3 in.); and
- (g) Height of canopy ridgeline from sidewalk: seven feet by six inches (7 ft. x 6 in.).

529.4 The colors for the sidewalk vending cart elements shall be as follows:

- (a) Base: neutral tone;
- (b) Canopy supports: neutral tone;
- (c) Canopy: bright primary colors, solid or patterned to be proposed by the vendor; and
- (d) Chair: neutral tone.

529.5 **Sidewalk vending cart exceptions:** Existing food vending carts (Class A) shall be modified for use in the Pennsylvania Avenue Zone as follows:

- (a) Canopy: All food vending carts shall install a canvas canopy. Material and configuration shall conform to those described in §§529.2 and 529.3, and color in 529.4; and
- (b) Additional storage: An additional storage unit may be attached to the existing food vending carts as necessary with the following restrictions:
 - (1) Overall cart dimensions, including the attached additional storage unit shall be no more than seven feet by four feet by six inches (7 ft x 4 ft. x 6 in.);
 - (2) The top of the attached additional storage unit shall be no higher than the existing counter height;
 - (3) A minimum of six inches (6 in.) clearance shall be required from the bottom of the attached additional storage unit to the sidewalk;
 - (4) The material and finish of the attached additional storage unit shall be the same as that of the existing cart; and
 - (5) All modifications shall meet the applicable District of Columbia health and safety codes

529.6 **Merchandise display:** No merchandise shall extend beyond the width and length limits of the cart specified in this section. The display area height from the platform shall be no higher than the canopy flap edge. No merchandise shall be hung from the canopy, canopy supports, cart platform, or cart base.

529.7 **Balloons:** Vending carts selling balloons may display limited to a display height of twelve feet (12 ft.).

SOURCE: Final Rulemaking published at 36 DCR 6846, 6850 (September 29, 1989); as amended by Final Rulemaking published at 37 DCR 558 (January 12, 1990).

599 DEFINITIONS

599.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Building Line - the exterior face of a building. (36 DCR 6846)

Certificate of Good Standing - a certificate issued by the District of Columbia Department of Finance and Revenue that indicates that a vendor has done the following:

- (a) Made all payments in place of collecting and remitting sales tax required by §125a of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 *Stat.* 112; D.C. Code §§47-2001 *et seq.*), and paid any associated interest and penalties; and
- (b) Paid all other District tax liabilities, penalties and interest, if any. (D.C. Law 10-25)

Fixture - any D.C. Government authorized furniture or equipment that is secured or permanently affixed to the public right-of-way. (32 DCR 5750)

Food - any product or substance (including beverages) intended for human consumption.

Potentially hazardous food - any perishable food capable of supporting rapid and progressive growth of infectious and toxicogenic micro-organisms; Provided that such food does not include products in hermetically sealed containers processed by any method approved by the inspection agency that shall prevent spoilage and does not include dehydrated, dry, or powdered products that are so low in moisture content as to preclude rapid development of micro-organisms.

Prepared food - any food product (including beverages) other than unprepared food, as defined in this title.

Produce - any agricultural product raised on a farm or orchard.

Public space - all publicly owned property between property lines on a street, as such property lines are shown on the records of the District of Columbia, including any roadway, tree space, sidewalk, or parking area between property lines.

Pushcart - any wheeled vehicle designed for carrying persons or property, and for being pushed by a person without the assistance of a motor or a motor vehicle.

Receipts for Purchases - includes copies of cash register receipts, sales receipts, sales invoices or purchase invoices; copies of cancelled checks, or other means of determining purchases acceptable in the discretion of the District of Columbia Department of Finance and Revenue. (D.C. Law 5-113)

Records of Sales - includes cash register tapes, cash register receipts, written receipts, copies of sales checks, a record of individual sales or other means of determining sales acceptable in the discretion of the District of Columbia Department of Finance and Revenue. (D.C. Law 5-113)

Registered agent - any person who is a District of Columbia resident and is authorized by a vendor and agrees to accept service of process and legal notices on behalf of a vendor. (D.C. Law 2-82)

Roadway vendor - a vendor who operates a vending business while occupying public space in that portion of a street or highway that is improved, designed, or ordinarily used for vehicular travel.

School day - a day of school that begins at 9:00 a.m. and ends at 3:00 p.m., unless otherwise determined by the Board of Education pursuant to D.C. Code §§31-101 *et seq.* (1981). (D.C. Law 2-82)

Sidewalk vendor - a vendor who engages in business while occupying that portion of the street other than that reserved for vehicular travel.

Souvenirs - items or goods that serve as reminders of the District of Columbia by depicting historical, scenic, and architectural features or slogans that are endemic to the area.

Souvenirs shall also include items or goods that serve as reminders of an event or occasion that occurred in the District of Columbia. (36 DCR 6846)

Special event - an activity, such as presidential inauguration, shows and exhibits of any kind, conventions, parades, circuses, sporting events, fairs, and carnivals, held for a limited period at a designated location. (D.C. Law 5-113)

Stand - any fixed or movable structure, table, or device used by a vendor for the purpose of displaying or storing any merchandise, article, or food that is offered for sale.

Surety approved by the Mayor - includes prepayments of the amounts described in §§24a(b) and (d) of the Act. (D.C. Law 7-121)

Unprepared food - any raw or unprocessed food product including, but not limited to, fruits, vegetables, produce, meats, fish, poultry, or seafood.

Vehicle - any motor vehicle, trailer, or bicycle.

Vending business - a business operated by a vendor, as defined in this chapter.

Vendor - any person engaged in selling goods and services for immediate delivery upon purchase, who operates exclusively from public space.

Vendor in Good Standing - a vendor who has done the following:

- (a) Made all payments in lieu of collecting and remitting sales tax required by §125a of the District of Columbia Sales Tax Act and paid any associated interest and penalties; and
- (b) Paid all other District tax liabilities, penalties and interest, if any. (D.C. Law 10-25)

SOURCE: Regulation No. 74-39, 21 DCR 1285 (December 23, 1974); as amended by §2 of the Vendors Regulation Amendments Act of 1978, D.C. Law 2-82, 24 DCR 9293 (May 5, 1978); by §502 of the District of Columbia Revenue Act of 1984, 5-113, 31 DCR 3974, 3981 (August 10, 1984); by §2 of the Vendors Regulation Amendment Act of 1988, D.C. Law 7-121, 35 DCR 2874 (April 22, 1988); by Final Rulemaking published at 36 DCR 6846 (September 29, 1989); and by §116 of the Omnibus Budget Support Act of 1993, D.C. Law 10-25, 40 DCR 5489, 5498 (July 30, 1993).

